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January 13, 2014

VIA ELECTRONIC FILING

United States Magistrate Judge James Orenstein
United States District Court Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: Phoenix Beverages, Inc. v. ExxonMobil Corp., Case No. 1:2-cv-03771-JKC-JO

Dear Judge Orenstein:

It has come to Plaintiffs' attention through review of the responses filed by Defendants, Doc. 353, United Technologies Corporation and other third parties, Doc. 355, and additional conversations with the Federal Third Party Defendants concerning the motion for stay of depositions, Doc. 348, that further clarification of Plaintiffs' position on the requested stay of depositions may be of assistance to the Court. Plaintiffs do not object to the conditions that the Federal Third Party Defendants and other Third Party Defendants ("TPDs") seek in order to allow the depositions to proceed as scheduled. Specifically, Plaintiffs do not object to the depositions of Quanta Resources Corporation, Exxon Mobil Corporation, and Eugene Prashker being limited to discovery in the first party action, that no inquiry be made concerning the third party defendants, and that the deposition testimony not bind or otherwise preclude the TPDs from seeking further discovery in the third party action, including, if necessary, depositions of the same witnesses.

As the Court correctly understood at the December 6, 2013 status conference, Plaintiffs are "not planning to address third-party claim issues. They're trying to prove their case against . . . defendants" Exxon Mobil Corporation, ExxonMobil Research & Engineering Co., and Quanta Resources Corporation. Dec. 6, 2013 Transcript at 48:17-19. Plaintiffs intend to confine their questions to gathering evidence concerning the claims Plaintiffs have brought against these defendants, and do not object to a Court order that limits the depositions to inquiry concerning Plaintiffs' claims if the Court deems it necessary and appropriate for protection of the interests raised by the TPDs.

Respectfully submitted,
Hunsucker Goodstein PC

/s/ Stacey H. Myers
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